

## MILPERSMAN 1910-900

### DISPOSITION OF PERSONNEL AWAITING FINAL ACTION ON PHYSICAL EVALUATION BOARD (PEB) PROCEEDINGS

|                               |                          |        |     |                |
|-------------------------------|--------------------------|--------|-----|----------------|
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| <b>Governing<br/>Directives</b> | NAVPERS 15909G, Enlisted Transfer Manual<br>SECNAVINST 1850.4D |
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#### 1. Policy

a. A member (except a Reservist called or ordered to perform active duty for training for 30 consecutive days or less, or inactive duty training or active duty for training for any duration) who has been found by a Physical Evaluation Board (PEB) to be unfit to perform the duties of the office, grade, rank or rating, has unconditionally accepted the findings of unfit and is awaiting final action on the case by Secretary of the Navy, may, at the member's request and with the approval of the member's commanding officer (CO), be placed in a home-awaiting orders status during the interim period.

b. The CO of such members shall utilize to the maximum extent possible the services of those members who do not desire to be placed in a home-awaiting orders status and whose physical conditions do not warrant continued treatment.

2. **Disposition Pending Final Action on the Proceedings of the Board.** Pending final action on the proceedings of the board, the member shall do one of the following:

| IF...                                                                                                                  | THEN...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| the member has not been detached from their permanent duty station and has been ordered to appear before a formal PEB, | regardless of whether the board's recommendation is a finding of "fit for duty" or "unfit for duty," the member shall be returned to their permanent duty station pending final action on the proceedings of the board.                                                                                                                                                                                                                                                                                                          |
| the member has been detached from a permanent duty station and has been found "fit" by a PEB,                          | the CO of the Naval medical treatment facility shall issue, at their discretion within the purview of regulations governing the disposition and placement of personnel and without prior approval of Navy Personnel Command (NAVPERSCOM), appropriate temporary additional duty orders assigning the member to temporary duty locally or within the immediate vicinity where a minimum of travel will be incurred. An Enlisted Availability Report must be submitted within 15 days of NAVPERSCOM notification of "fit" finding. |

3. **Unconditional Acceptance of PEB Findings of Unfit by the Member**

a. Upon the unconditional acceptance of PEB findings of unfit, a member may request to be placed in a home-awaiting orders status during the period awaiting final action by the Secretary of the Navy. Some factors that should be considered prior to approval of such a request are

(1) member's leave balance,

(2) physical ability to perform a service, and

(3) whether the member's service could contribute to the overall mission of the command.

b. Some members are not eligible to be placed in a home-awaiting orders status. See "Personnel Not Eligible to be Placed in a Home-Awaiting Orders Status" block for more information.

c. If an enlisted member requests and is eligible in all respects, the responsible CO has full authority to approve or disapprove this request without reference to NAVPERSCOM provided it does not involve a transfer from inside to outside of the 50 states and the District of Columbia. Provided otherwise eligible, enlisted personnel may be placed in a home-awaiting orders status from overseas locations, if they are returning to the 50 states or the District of Columbia.

d. Orders placing members in a home-awaiting orders status shall be directive in nature and shall not contain permissive language. Orders placing members who request and are granted permission to proceed home in an awaiting orders status pending final action on PEB findings shall be prepared following the sample contained in NAVPERS 15909G.

e. Cost of such travel for all initial orders to home-awaiting orders status shall be charged to permanent change of station funds. Members are entitled to mileage allowances for any travel performed pursuant to orders for reexamination or reevaluation in connection with disability separation proceedings which may be required while in an awaiting orders status, chargeable to the temporary additional duty funds of the command maintaining the records of the member concerned.

#### **4. Final Action of PEB Proceedings Involving Separation or Retirement**

a. It is not mandatory that a member be placed in an awaiting orders status as, under certain conditions, it might be expedient and proper to retain the member while waiting for final action. Final action of PEB proceedings involving separation or retirement is normally completed within 45 days after the hearing is completed. When a member has been in an awaiting orders status for 30 days and retirement orders or other directives from NAVPERSCOM have not been received, the command holding the member's record should request information from NAVPERSCOM (PERS-821) as to the current status of the case. The member concerned should be cautioned to request advice from the activity holding their records when no word is received within the above period.

b. The records and accounts of a member who has been placed in an awaiting orders status shall be retained by the responsible activity until final action has been taken and

disposition is directed by NAVPERSCOM. Records and accounts shall not be forwarded to another activity unless such action is directed by NAVPERSCOM.

5. **Prior to Member's Departure for Home.** Prior to departure of a member to member's home upon being placed in an awaiting orders status, those portions of the separation processing requiring the presence of the member shall be completed so that if separation or retirement is directed, such action can be done by mail. The member shall not be required to return to the command for actual retirement, discharge, or release from active duty.

6. **Personnel Not Eligible to be Placed in a Home-Awaiting Orders Status.** Personnel not eligible to be placed in a home-awaiting orders status, as indicated below, shall be retained in an appropriate duty status pending final action by the Secretary of the Navy and disposition instructions from NAVPERSCOM:

a. Personnel with a drug or alcohol problem having a need for, but who have not yet been afforded an opportunity for, rehabilitation at a rehabilitation center (Naval Alcohol Rehabilitation Center (NAVALREHCEN)).

b. Personnel in a disciplinary or administrative hold status.

c. Personnel precluded in view of geographical limitations listed above.

d. Personnel previously retained by the Secretary of the Navy under special circumstances.

7. **Personnel in Home-Awaiting Orders Status Subsequently Involved with Civil Authorities.** Personnel who have been placed in home-awaiting orders status and subsequently are involved with civil authorities will be recalled from that status at the earliest practical date by the CO holding the member's records or as directed by NAVPERSCOM. Members recalled under this paragraph will then be retained by the responsible command while awaiting final action and are not eligible to return to home-awaiting orders status.

8. **Procedure**. To ensure compliance with the existing regulations governing the use of ID cards and forwarding of retirement or separation documents, the following procedures are hereby established for personnel being placed in home-awaiting orders status:

| Step | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 1    | Prior to the member's departure from responsible separation activity, the member's Armed Forces of the United States Identification Card (DD Form 2) (ACT), (RES), and Uniformed Services Identification and Privilege Card (DD Form 1173), if appropriate, will be destroyed and temporary cards will be issued for a maximum period of 120 days. This action is not required if authorized cards have an expiration date of 6 months or less.                                                                                                                                                                                                                                                                                                                                                                         |
| 2    | A tickler file shall be maintained by responsible separation activity to ensure that all identification (ID) cards are returned as required. If the member is being transferred to the Disability Retired List (Permanent or Temporary), official notification of destruction and reissuance of ID cards will suffice. If cards are not returned or official notification of destruction is not received within 60 days, all pertinent facts will be reported to Naval Investigative Service (NIS), Tricare Management Activity (TMA), and NAVPERSCOM (PERS-332). If member is still in possession of an ID card beyond date of separation, notify servicing Personnel Support Detachment (PSD) or NAVPERSCOM (PERS-332) to have member's record terminated in Defense Enrollment Eligibility Reporting System (DEERS). |
| 3    | Personnel will be required to sign a statement that they have been counseled as to when and how the ID cards are to be returned and official action will be taken if they are not returned promptly. Self-addressed envelopes for return of cards should be provided by separation activity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4    | Upon receipt of the retirement or separation documents from NAVPERSCOM, prompt notification to the member via their CO is required using the sample format contained in NAVPERS 15909F. Notification via certified mail should be utilized to ensure receipt. After retirement or separation action is completed, all pertinent documents should be mailed promptly to the member via certified mail. These documents are required to assist the separated member in applying for VA benefits, procuring employment, and other actions necessary to ease the readjustment to civilian status.                                                                                                                                                                                                                           |

9. **Officers' Request for Home-Awaiting Orders Status**

a. Officers who desire to be placed in a home-a3waiting orders status should submit their request via their CO to NAVPERSCOM (PERS-821) with a copy to NAVPERSCOM (PERS-82). Facsimile and message submissions are acceptable and responsible separation activity should be an info addressee.

b. The following information is to be provided:

(1) Grade, name, branch and class of service, social security number/designator.

(2) Date of unconditional acceptance of PEB findings.

(3) Recommended findings of the board.

(4) CO's recommendations as to temporary disposition of the officer while awaiting final action. If awaiting-orders status is recommended, include the officer's home city and state, a specific statement that the officer has or has not agreed to go home in an awaiting-orders status with the full knowledge that while in such status the member shall be using accrued leave, the present command of the officer, and other comments desired, if any.

10. **Additional Information.** Additional information regarding disposition of personnel awaiting final action on physical evaluation board proceedings may be found in SECNAVINST 1850.4D.